



**DEPARTMENT OF ENVIRONMENTAL RESOURCES**

3800 Cornucopia Way, Suite C, Modesto, CA 95358-9494  
Phone: 209.525.6700 Fax: 209.525.6774

September 22, 2106

Fisherman's Bend MHP  
26836 River Road #21  
Newman, CA 95360

**TRANSMITTAL OF CITATION NO. DER-16C-020 FOR TCR MCL FAILURE**

The Fisherman's Water System violated the Maximum Contamination Level (MCL) for total coliform bacteria during the month of June 2016, as specified in the Domestic Water Quality a Monitoring Regulation, Chapter 15, Title 22, California Code of Regulations. The Stanislaus County Department of Environmental Resources has issued Citation No. DER-16C-020 in response to this violation. The citation is being transmitted to the Fisherman's Water System under cover of this letter. Please respond to each item of the Directives by the deadlines established in the citation.

Section 116650(d) and Section 116650(e) of the California Health and Safety Code allow for the assessment of a civil penalty for failure to comply with the requirements of Chapter 4 of the California Safe Drinking Water Act. Stanislaus County Ordinance provides that fees must be charged for staff time in responding to MCL violations. The fee charged is the Department's weighted labor rate of \$106.00 per hour, with a one-hour minimum. To date, 2.0 hours have been spent responding to the MCL violation. This Department will invoice you.

If you have any questions regarding this matter, please contact Rachel Riess at (209) 525-4734.

Sincerely,

Sukhi Dhaliwal, EHS  
Environmental Health Specialist

Enclosure (1)

**STANISLAUS COUNTY**  
**DEPARTMENT OF ENVIRONMENTAL RESOURCES**  
**DIVISION OF ENVIRONMENTAL HEALTH**

**TO:** Fisherman's Bend MHP  
26836 River Road  
Newman, CA 95360

**Attn:** River Park Newman, LLC  
dba Fisherman's Bend  
Fisherman's Bend MHP

**CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS,  
TITLE 22, SECTION 64426.1 (b)  
TOTAL COLIFORM RULE VIOLATION  
WATER SYSTEM NO. 5000058  
C I T A T I O N   N O .   D E R - 1 6 C - 0 2 0  
Issued on September 22, 2016**

The Department of Environmental Resources (hereinafter "Department"), acting by and through its Division of Environmental Health (hereinafter "Division") and the Manager for the Division (hereinafter "Manager"), hereby issues this Citation (hereinafter "Citation") pursuant to Sections 116330 (f) and 116650 of the California Health and Safety Code (hereinafter "CHSC") to the Fisherman's Bend MHP (hereinafter, "Fisherman's") for violation of Title 22, California Code of Regulations (CCR), Section 64426.1 (b).

1 **APPLICABLE AUTHORITIES**

2 **Section 116650 of California Health and Safety Code provides:**

3  
4 (a) If the Division determines that a public water system is in violation of  
5 this chapter or any regulation, permit, standard, citation, or order issued or adopted  
6 thereunder, the Division may issue a citation to the public water system. The citation  
7 shall be served upon the public water system personally or by certified mail. Service  
8 shall be deemed effective as of the date of personal service or the date of receipt of  
9 the certified mail. If a person to whom a citation is directed refuses to accept delivery  
10 of the certified mail, the date of service shall be deemed to be the date of mailing.

11 (b) Each citation shall be in writing and shall describe the nature of the  
12 violation or violations, including a reference to the statutory provision, standard, order,  
13 citation, permit, or regulation alleged to have been violated.

14 (c) A citation may specify a date for elimination or correction of the  
15 condition constituting the violation.

16 (d) A citation may include the assessment of a penalty as specified in  
17 subdivision (e).

18 (e) The Division may assess a penalty in an amount not to exceed one  
19 thousand dollars (\$1,000) per day for each day that a violation occurred, and for each  
20 day that a violation continues to occur. A separate penalty may be assessed for each  
21 violation.

22  
23 **California Code of Regulations, Title 22, Section 64426.1, subsection (b)**  
24 **provides, in relevant part:**

25  
26 (b) A public water system is in violation of the total coliform Maximum Contaminant  
27 Level ("total coliform MCL") when any of the following occurs:



1 (2) For a public water system which collects fewer than 40 samples per month,  
2 more than one sample collected during any month is total coliform-positive; or

3 (3) Any repeat sample is fecal coliform-positive or E.coli-positive; or

4 (4) Any repeat sample following a fecal coliform-positive or E.coli-positive  
5 routine sample is total coliform-positive.

6  
7 **STATEMENT OF FACTS**

8 Fisherman's is operated under Water Supply Permit No. 2015-03-018, which was  
9 issued on March 18, 2015.

10  
11 Fisherman's water system is located in Stanislaus County along River Road,  
12 approximately 4.1 miles north of the City of Newman. Fisherman's service area is  
13 approximately 22.20 acres in size.

14  
15 Fisherman's water system is classified as a community water system that serves the  
16 patrons of the Mobile Home Park. According to the Domestic Water Supply Permit,  
17 Fisherman serves approximately 80 people through 64 service connections. Sixty-  
18 four of these service connections are metered. The water system obtains its water  
19 supply from one active well located on Fisherman's property.

20  
21 The well discharges to two 200-gallon pressure tanks, prior to entering the domestic  
22 water system. Irrigation demands are not provided by this well and are supplied by a  
23 separate dedicated irrigation well/backflow prevention device.

24  
25 With a population of 80, the Fisherman's water system is required to have one sample  
26 examined for bacteriological quality every month from its distribution system. The

1 Fisherman's contract laboratory, Far west Laboratory, utilizes the testing SM 9223  
2 Colilert testing method for bacteriological analyses.

3  
4 Specifically, on June 3, 2016, the Fisherman's water system collected one routine  
5 sample for bacteriological quality from the designated site in the distribution system.  
6 One sample, collected from Store Sample Tap, tested positive for total coliform  
7 bacteria. The samples were negative for fecal coliform bacteria.

8  
9 On June 6, 2016, the Fisherman's water system collected four repeat samples (one  
10 sample each from the routine coliform positive sample location, the downstream  
11 locations, the upstream locations and the well head). One of the repeat samples  
12 tested positive for total coliforms and zero were fecal coliform positive.

#### 13 14 DETERMINATION

15 The Division has determined that Fisherman's failed to comply with the requirements  
16 of Section 64426.1 (b) due to the fact that Fisherman's had more than one sample  
17 during the month of, June 2016 that was total coliform-positive. Therefore,  
18 Fisherman's is in violation of Section 64426.1 (b) of the California Code of  
19 Regulations.

#### 20 21 DIRECTIVES

22 Fisherman's is hereby directed to take the following actions:

- 23
- 24 1. By June 15, 2016, notify the consumers served by the Fisherman's of the  
25 bacteriological quality (Total Coliform Rule) failure in conformance with Section  
26 64464.3(a)(1), Title 22, CCR. The notification shall be provided in accordance  
27 with the following:  
28



1 a. Provide written notice of the bacteriological water quality MCL violation  
2 by mail or by direct hand delivery to every customer and by publication  
3 of notice in a newspaper of general circulation in the area served by  
4 Fisherman's. The notice shall be published and delivered once, no later  
5 than the above mentioned date.

6 This notification shall be given in English. In addition, if the Fisherman's  
7 water system serves a large proportion of other non-English speaking  
8 consumers, notices must contain some information in the appropriate  
9 language(s) on the importance of the notice as provided in the  
10 Department's guidance for the Consumer Confidence Report.

11 b. The contents of the notice, including the mandatory language, shall be  
12 approved by the Department prior to publication and delivery.

13 A sample notification form that can be used to satisfy the public  
14 notification requirement has already been provided to Sam Hedge by  
15 email.

16  
17 2. By July 1, 2016, perform an investigation to determine the cause of possible  
18 significant rise in bacterial count in the Fisherman's distribution system during  
19 the month of June 2016. A report of the investigation shall also be prepared in  
20 accordance with Section 64426 (b)(2), Title 22, CCR, and submitted to the  
21 Department by the above date. A form that should be used to meet this  
22 requirement also has already been sent to Sam Hedge by email.

23  
24 The Division reserves the right to make such modifications to this Citation as it may  
25 deem necessary to protect public health and safety. Such modifications may be  
26 issued as amendments to this Citation, and shall be deemed effective upon issuance.

27

1 Nothing in this Citation relieves Fisherman's of its obligation to meet the requirements  
2 of the California Safe Drinking Water Act, or of any regulation, permit, standard, or  
3 order issued or adopted thereunder.

4  
5 All submittals required by this Citation shall be submitted to the Division at the  
6 following address:

7  
8 Sukhi Dhaliwal, EHS  
9 Department of Environmental Resources  
10 3800 Cornucopia Way, Suite C  
11 Modesto, CA 95358  
12

### 13 **PARTIES BOUND**

14 This Citation shall apply to and be binding upon Fisherman's, its officers, directors,  
15 shareholders, agents, employees, contractors, successors, and assignees.  
16

### 17 **SEVERABILITY**

18 The Directives of this Citation are severable, and Fisherman's shall comply with each  
19 and every provision thereof, notwithstanding the effectiveness of any other provision.  
20

### 21 **FURTHER ENFORCEMENT ACTION**

22 The California SDWA authorizes the Department to: issue citation with assessment of  
23 administrative penalties to a public water system for violation or continued violation of  
24 the requirements of the California SDWA or any permit, regulation, permit or order  
25 issued or adopted thereunder including, but not limited to, failure to correct a violation  
26 identified in a citation or compliance order. The California SDWA also authorizes the  
27 Board to take action to suspend or revoke a permit that has been issued to a public  
28 water system if the system has violated applicable law or regulations or has failed to

1 comply with an order of the Department; and to petition the superior court to take  
2 various enforcement measures against a public water system that has failed to  
3 comply with violates an order of the Department. The Department does not waive any  
4 further enforcement action by issuance of this citation.  
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7

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9  
10 Date

9/22/16



Rachel Riess, REHS  
Senior Environmental Health Specialist  
Division of Environmental Health  
Department of Environmental Resources  
Stanislaus County

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14  
15 Attachments:

- 16 1. Public Notification  
17 2. Proof of Notification Form  
18

19 Certified Mail No. 7014 3490 0001 6851 2959